

**REMARKS**

Claims 2-6, 9-12, 19-23, 26, 27, 44-67 are pending. The Office Communication states that the Response to Office Action, filed September 15, 2003, was non-responsive for failing to address the provisional Obviousness-type Double Patenting Rejection in the Office Action of April 15, 2003. Applicants apologize for this oversight and address the rejection below.

**Double Patenting Rejection**

Claims 1 and 3-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 37-40, 44-45 of copending Application No. 09/189,543 in view of Walt *et al.* (U.S. Patent No. 6,327,410 filed September 11, 1998).

Based on the Response to Office Action filed on September 15, 2003, Applicants note that claims 1, 7, and 8 were canceled thus rendering the rejection with respect to these claims moot. Applicants further note that claims 3-6 and 9-10 were amended to recite dependency on newly added claims 52, 55, and 57.

With regard to claims 3-6 and 9-10, Applicants will consider filing a Terminal Disclaimer, if necessary and appropriate, once there is indication of otherwise allowable subject matter. Applicants respectfully request withdrawal of the rejection.

Serial No.: 09/500,555  
Filed: February 9, 2000

CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance and early notification to that effect is respectfully requested. If the Examiner feels there are further unresolved issues, the Examiner is respectfully requested to phone the undersigned at (415) 781-1989.

Respectfully submitted,  
DORSEY & WHITNEY LLP

Dated: December 16, 2003

Customer Number: 32940  
Dorsey & Whitney LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989  
Facsimile: (415) 398-3249

BY: David C. Foster

David C. Foster, Reg. No. 44,685  
for Robin M. Silva, Reg. No. 38,304  
Filed under 37 C.F.R. § 1.34(a)